

**From:** Jeff Benjamin  
**To:** Microsoft ATR  
**Date:** 1/23/02 11:38am  
**Subject:** Mcicrosoft Settlement

To whom it may concern,

RE: The relief is not significant.

I have been a software developer for 11+ years, and I have watched since 1993 as the Justice Department did its probe that culminated in a proposed final judgment. This judgment finds that Microsoft did commit wrongdoings, and states that it will provide prompt, certain and effective remedy for their violations. I personally have benefitted greatly by selling services on top of Microsoft products, so it is with much grace that I state: I do not believe for a second that the relief provided by this judgment is certain or effective, simply because it is outdated.

Microsoft will comply with the relief without much pain. They are so far down the technology highway that a majority of the relief points are insignificant, or no punishment at all for their wrongdoings. In fact, the worst punishment mentioned are the points that require Microsoft to disclose communications protocols and technical interfaces. Even these points are easily circumvented by "creative packaging", especially with Microsoft's new "software as a service" concept. The only interfaces they will be disclosing is the HTTP or SOAP protocols, as that is sufficient to invoke a service residing on Microsoft servers. If they were monopolizing and creating lock-in scenarios before, just watch them this next decade.

I would urge the court to reconsider the punishment in this case and weigh it against the damage Microsoft has done in the last decade. Many companies have fallen due to their unethical practices, and I trust that you will find the punishment is not on par with the violations. The punishment is based on old technology, and at current technology levels the punishment is worth far less in penalty value than it was when the wrongdoings were committed.

I would also add that, in my opinion, Microsoft treats its products as "products" in the marketplace, but treats them as "intellectual property" or "services" in the legal arena. Perhaps a review of this treatment from a product law perspective would be refreshing. I for one believe it would solve the problem of technology's pace reducing the penalty value of any punishment that is prescribed, but then again, I'm not a lawyer.

Sincerely,

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